

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

RUHI REIMER, individually, and on behalf
of all others similarly situated,

Plaintiff,

v.

CLEARVIEW ELECTRIC, INC. d/b/a
CLEARVIEW ENERGY

Defendant.

Case No. 3:22-cv-02844-N

UNOPPOSED MOTION TO AMEND COMPLAINT

NOW COMES RUHI REIMER (“Plaintiff”), by and through his undersigned counsel, and pursuant to Fed. R. Civ. P. 15(a)(2), seeking leave to amend his complaint, and in support thereof, stating as follows:

1. On December 20, 2022, Plaintiff filed the instant class action complaint against Defendant seeking redress for violations of the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227 *et seq.*, and the Virginia Telephone Privacy Protection Act (“VTPPA”), Va. Code §59.1-510 *et seq.* [Dkt. 1]

2. Plaintiff’s claims arise from solicitation phone calls placed by or on behalf of Defendant to Plaintiff’s cellular phone without Plaintiff’s consent.

3. Pursuant to the Court’s Scheduling Order, the deadline to join parties is June 24, 2023. [Dkt. 20, ¶2.]

4. Defendant has disclosed that the solicitation calls at issue were placed by AGR Group Inc. (“AGR”).

5. In light of Defendant's representation that AGR placed the calls at issue, Plaintiff is seeking leave to amend his complaint to add AGR as a defendant in this case.

6. In addition to adding AGR as a defendant, Plaintiff is also seeking to add another violation of the VTPPA against Clearview and AGR, namely violations of §59.1-514(A) of the VTPPA.

7. Pursuant to Fed. R. Civ. P. 15(a)(2), a court should freely give a party leave to amend its pleading when justice requires.

8. "Rule 15(a) declares that leave to amend 'shall be freely given when justice so requires'; this mandate is to be heeded. If the underlying facts or circumstances relied upon by a plaintiff may be a proper subject of relief, he ought to be afforded an opportunity to test his claim on the merits. In the absence of any apparent or declared reason--such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendment, futility of amendment, etc.--the leave sought should, as the rules require, be 'freely given.'" *Foman v. Davis*, 371 U.S. 178, 182 (1962).

9. Here, there is good cause for the amendment as AGR is an indispensable party to this litigation as it has personal knowledge of (1) how many calls were placed to Plaintiff's cellular phone number; (2) whether AGR or Defendant had express written consent to place the solicitation calls at issue; and (3) the nature and scope of AGR's relationship with Defendant.

10. Based on the foregoing, there is a compelling basis for the amendment sought herein and Plaintiff should be allowed to amend his complaint.

Certificate of Conference

11. On June 14, 2023, Plaintiff's counsel conferred with Defendant's counsel regarding the relief sought herein and Defendant does not object to the requested relief.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter an order granting Plaintiff's Motion to Amend his Complaint.

Dated: June 14, 2023

Respectfully submitted,

/s/ Mohammed O. Badwan
Mohammed O. Badwan
Counsel for Plaintiff
Sulaiman Law Group, Ltd.
2500 S. Highland Ave., Ste. 200
Lombard, IL 60148
Phone (630) 575-8180
mbadwan@sulaimanlaw.com

CERTIFICATE OF SERVICE

I, Mohammed O. Badwan, certify that on June 14, 2023, the foregoing document was filed electronically using the Court's CM/ECF system, which will accomplish service on all counsel of record.

/s/ *Mohammed O. Badwan*